

Court of Appeals, State of Michigan

ORDER

Susan Shields v Curtis Blessing

Docket No. 262426

LC No. 2003-053202 NZ

William C. Whitbeck
Chief Judge

Mark J. Cavanagh

Bill Schuette
Judges

The Court orders that the motion for reconsideration is GRANTED, and this Court's opinions issued November 16, 2006 are hereby VACATED. New opinions are attached to this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 11 2007

Date

Sandra Schultz Mengel
Chief Clerk

STATE OF MICHIGAN
COURT OF APPEALS

SUSAN SHIELDS,

Plaintiff-Appellee,

v

CURTIS BLESSING and AMANDA
VANDUSEN,

Defendants-Appellants.

UNPUBLISHED

January 11, 2007

No. 262426

Oakland Circuit Court

LC No. 2003-053202-NZ

Before: Whitbeck, C.J., and Cavanagh and Schuette, JJ.

WHITBECK, C.J. (*dissenting*).

I respectfully dissent. In my view, the majority relies almost entirely upon the self-serving statements of Dr. Brian Schiller to uphold the trial court's order denying the defendants' motion for frivolous lawsuit sanctions. These statements, even if accepted as true, go to *defendants'* behavior and have little, if any, bearing on whether the *plaintiff's* lawsuit was frivolous. I would reverse and remand.

/s/ William C. Whitbeck